

A RESOLUTION AUTHORIZING THE REFUND OF PROPERTY TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector has collected property taxes from the taxpayers set out on the list attached to the Docket.
2. The City-County Tax Collector has certified that those taxpayers have made proper demand in writing for refund of the amounts set out on the schedule within the required time limits.
3. The amounts listed on the schedule were collected through either a clerical or assessor error.

NOW, THEREFORE, BE RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 24th day of September, 2007 that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested" be refunded in the amounts therein set up and that the schedule and this resolution be spread upon the minutes of this meeting.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (5-6).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of September, 2007.



Brenda R. Freeze, CMC, City Clerk

TAXPAYERS AND REFUNDS REQUESTED
(Clerical Error)

NAME	AMOUNT
MILANO EDWARD G	\$ 15.54
MILANO EDWARD G	15.54
MILANO EDWARD G	15.54
MILANO EDWARD G	16.97
BARTEL PETER BRUCE	425.04
VAUGH SHANNON C	33.94
VAUGH SHANNON C	31.08
ROBINSON HENRY LESLIE JR	219.66
ROBINSON HENRY LESLIE JR	239.85
RATCLIFFE SUSAN J	621.40
SPEARMAN CHRISTOPHER A	213.71
SPEARMAN CHRISTOPHER A	195.72
MCDONNELL CHARLES C	63.00
MCDONNELL CHARLES C	63.00
MCDONNELL CHARLES C	63.00
MCDONNELL CHARLES C	68.79
WHITAKER SANDY L	104.16
WHITAKER SANDY L	113.73
	<hr/>
TOTAL	<u><u>\$2,519.67</u></u>

RESOLUTION AUTHORIZING THE LEASE OF ARENA STREET LEVEL
RETAIL SPACE TO A 7 J ENTERPRISE, LLC., D/B/A "FATBURGERS"

WHEREAS, the City of Charlotte owns property more particularly identified as Charlotte Bobcats Arena located at 333 E. Trade St. in Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the Arena contains a certain amount of vacant street level activity or retail space ("the Property") which is suitable for retail business or restaurant development, which has not been incorporated into the Arena and which the council finds is currently surplus to its needs; and

WHEREAS, the Arena Use and Operating Agreement gives the City the right and option to lease the Property for its own benefit upon such market terms and conditions it determines; and

WHEREAS, "Fatburgers" desires to lease approximately 1,976 square feet of the Property for a restaurant for a term of ten years, with the right to renew the lease for two additional five year terms; and

WHEREAS, in consideration of leasing the Property, "Fatburgers" has agreed to pay market rent in the amount of Forty-Five Thousand Four Hundred Forty-Eight Dollars (\$45,448) for the first year and to increase that amount by \$0.50 per square foot (PSF) for the next four (4) lease years, and thereafter to increase the amount of annual rent by two percent (2%) for each successive year of the initial lease term and both option periods; and

WHEREAS, Section 8.131 of the Charter of the City of Charlotte authorizes the city to lease its property for terms of more than ten years upon resolution of the City Council adopted at a regular meeting after public notice; and

WHEREAS, the required notice has been published and Council is convened in a regular meeting;

NOW THEREFORE, BE IT RESOLVED by the City Council for the City of Charlotte, pursuant to Section 8.131 of the City of Charlotte Charter, that it hereby authorizes the lease of the above referenced Property as follows:

The City Council hereby approves lease of the city property described above to A & J Enterprise, LLC, d/b/a "Fatburgers" for ten years, with the lessee holding a right to renew for two additional five-year periods, and authorizes the City Manager or his Designee to execute any instruments necessary to the lease.

THIS THE 24th DAY OF SEPTEMBER, 2007.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (7-8).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of September, 2007.

Brenda R. Freeze

Brenda R. Freeze, CMC, City Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31
ARDREY CHASE (SALLY A. PATTERSON)**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, N.C. at 7:00 p.m. on October 8, 2007.

Section 2. The area proposed for annexation is described as follows:

LEGAL DESCRIPTION

**ARDREY CHASE
(SALLY A. PATTERSON)**

That certain tract or parcel of land situated, lying and being in Mecklenburg County, North Carolina and being more particularly described as follows:

BEGINNING at an existing pk nail located at the intersection of the centerlines of Marvin Road (SR 3635)(60' public right-of-way) and Wade Ardrey Road (SR 3630) (60' public right-of-way); and runs thence with the centerline of Wade Ardrey Road the following four (4) courses and distances: (1) North 69°19'34" East, a distance of 922.18 feet to a point; (2) with the arc of a circular curve to the right having a radius of 650.00 feet, an arc length of 284.48 feet (chord: North 81°50'47" East 282.22 feet) to a point; (3) South 85°34'13" East, a distance of 125.40 feet to a point; and (4) South 85°16'36" East, a distance of 32.23 feet to a point; thence leaving the aforesaid center line and with the line of the Existing City of Charlotte Corporate Limits (as more particularly described in Ordinance recorded in Book 20408 at Page 498), also being the common boundary line of Crosland Ardrey Crest, LLC (Deed Book 19424, Page 511; and Deed Book 19726, Page 750) the following seven (7) courses and distances: (1) South 40°27'09" West, a distance of 205.54 feet to an existing iron pin; (2) South 17°56'56" East, a distance of 191.42 feet to a point; (3) South 12°23'35" East, a distance of 351.81 feet to a point; (4) South 13°56'25" East, a distance of 157.76 feet to a point; (5) South 14°17'25" East, a distance of 341.26 feet to a point; (6) South 09°40'25" East, a distance of 80.62 feet to a point; (7) South 47°27'25" East, a distance of 65.74 feet to a point; thence leaving the aforesaid City of Charlotte Corporate Limits, but continuing with the common boundary of Ardrey Crest, LLC the following twelve (12) courses and distances: (1) South 28°41'25" East, a distance of 2.77 feet to a point; (2) North 65°24'02" East, a distance of 49.44 feet to a point; (3) South 24°35'58" East, a

distance of 124.00 feet to a point; (4) South 65°24'02" West, a distance of 40.57 feet to a point; (5) South 28°41'25" East, a distance of 123.74 feet to a point; (6) South 32°33'18" East, a distance of 234.87 feet to a point; (7) South 51°19'18" East, a distance of 88.98 feet to a point; (8) South 37°46'59" East, a distance of 52.26 feet to a point; (9) South 19°10'59" East, a distance of 197.12 feet to a point; (10) South 30°08'45" East, a distance of 295.21 feet to a point; (11) South 29°18'37" East, a distance of 303.88 feet to a point; (12) South 22°30'33" East 235.92 feet to a point; thence leaving the common boundary with Ardrey Crest, LLC and running with the existing City of Charlotte limits North 34°59'05" East 965.45 feet to a point; and (21) South 25°58'42" East a distance of 325.62' to a point in the center of Six Mile Creek marking the jurisdictional limits of Union County, North Carolina, thence with the center of Six Mile Creek and the jurisdictional limits of Union County the following twenty-two (22) courses and distances: (1) South 72°50'32" West a distance of 77.14 feet to a point; (2) North 57°28'08" West a distance of 89.57 feet to a point; (3) South 13°37'02" West a distance of 133.63 feet to a point; (4) South 46°46'38" East a distance of 80.23 feet to a point; (5) South 27°14'30" West a distance of 55.27 feet to a point; (6) South 53°04'32" West a distance of 125.22 feet to a point; (7) South 43°25'53" West a distance of 188.57 feet to a point; (8) South 40°24'21" West a distance of 312.21 feet to a point in the common boundary with Centex Homes (Map Book 47, Pages 799 & 801); thence continuing with the line of Six Mile Creek and with the line of Centex Homes, (9) South 45°35'54" West, a distance of 68.31 feet to a point; (10) South 35°30'25" West, a distance of 100.79 feet to a point; (11) South 31°42'14" West, a distance of 89.59 feet to a point; (12) South 49°20'27" West, a distance of 151.87 feet to a point; (13) South 58°42'55" West, a distance of 180.78 feet to a point; (14) South 74°22'31" West, a distance of 100.19 feet to a point; (15) South 38°47'37" West, a distance of 56.19 feet to a point; (16) South 73°06'32" West, a distance of 55.91 feet to a point; (17) South 81°12'02" West, a distance of 106.72 feet to a point; (18) South 75°53'04" West, a distance of 114.52 feet to a point; (19) South 49°11'02" West, a distance of 111.81 feet to a point; (20) South 48°37'13" West, a distance of 125.01 feet to a point; (21) South 47°24'01" West, a distance of 108.76 feet to a point; and (22) South 53°06'04" West, a distance of 46.01 feet to a point in the easterly right-of-way margin of the aforesaid Marvin Road; thence with said right-of-way margin North 36°23'51" West, a distance of 269.45 feet to a point; thence North 36°41'26" West, a distance of 328.46 feet to a point; thence with the arc of a circular curve to the right having a radius of 687.19 feet, an arc length of 27.15 feet (chord: North 10°13'12" West 27.15 feet) to a point in the line of Sally A. Patterson (Lot 3, Map Book 43, Page 363); thence continuing with the entire westerly line of Sally A. Patterson as depicted on the aforesaid map with the arc of a circular curve to the right having a radius of 687.19 feet, an arc length of 111.86 feet (chord: North 04°25'29" West 111.74 feet) to a point; thence North 00°51'25" East 180.69 feet to a point; thence North 02°39'09" West 70.54 feet to a point in the southwestern corner of Sally Patterson in the margin of the right-of-way of Marvin Road and in the common boundary of Centex Homes; thence leaving the southwestern corner of Sally Patterson and the right-of-way of Marvin Road and running North 89°08'35" West, a distance of 30.02 feet to a point in the centerline of the aforesaid Marvin Road; thence continuing with the aforesaid centerline North 02°40'11" West, a distance of 112.16 feet to a point; thence North 20°55'21" West, a distance of 157.20 feet to a point; thence North 27°36'01" West, a distance of 530.99 feet to a point; thence North 22°37'51" West, a distance of 118.44 feet to a point; thence North 20°51'59" West, a distance of 185.13 feet to a point; thence North 20°10'05" West, a distance of 224.71 feet to a point; thence North 17°19'25" West, a distance of 1,071.73 feet to a point; thence North 17°25'23" West, a distance of 217.26 feet to the POINT and PLACE

OF BEGINNING.

The aforesaid property is located within the boundary of Mecklenburg County, NC only, and includes (1) a 5.138 acre tract of land located to the northeast of the existing City of Charlotte limits, and owned by Crosland Ardrey Crest, LLC; (2) all of Lot 3 [Map Book 43, Page 363] owned by Sally A. Patterson; and (3) all of Tracts 1, 2 and 3 of Centex Homes as depicted on maps recorded in Map Book 47, Pages 799 & 801.

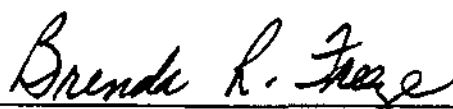
Crosland Ardrey Crest, LLC previously submitted a portion of its property to annexation into the City of Charlotte by Ordinance No. 3244-X, a copy of which is recorded in Book 20408, Page 498 of the Mecklenburg County Public Registry. It is the intention of Ardrey Crest, LLC, as evidenced by its signature on this petition for annexation, to annex all of its remaining unannexed property lying between the existing limits of the City of Charlotte and Union County.

Section 3. Notice of the public hearing shall be published in the *Mecklenburg Times*, a newspaper having general circulation in the City of Charlotte, at least ten (10) days prior to the date of the public hearing.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (9-11).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of September, 2007.



Brenda R. Freeze, CMC, City Clerk

ACTION A

RESOLUTION

EXTRACT FROM THE MINUTES OF A regular
MEETING OF THE Charlotte City Council
HELD ON September 24, 2007

The following resolution was introduced by Councilmember Dulin
seconded by Councilmember Mitchell, read in full, considered
and adopted.

RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND
RATIFYING THE EXECUTION OF THE GRANT AGREEMENTS FOR PROJECT
NUMBERS 36244.17.8.1 BETWEEN THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION AND THE CITY OF CHARLOTTE, NORTH CAROLINA

BE IT RESOLVED, by the CITY COUNCIL of
THE CITY OF CHARLOTTE, NORTH CAROLINA

SECTION 1. That said City Council hereby
authorizes, adopts, approves, accepts and ratifies the execution of
a Grant Agreement with the North Carolina Department of
Transportation and the City of Charlotte, North Carolina

SECTION 2. That the Execution of said Grant Agreement in
quadruplicate on behalf of said City Council
by T. J. Orr, Aviation Director
and the impression of the official seal of the City of Charlotte
and the attestation by Brenda Freeze; City Clerk is
hereby authorized, adopted, approved, accepted and ratified.

SECTION 3. That the Aviation Director is hereby
authorized to execute payment requests under these Grant Agreements
on behalf of said City of Charlotte.

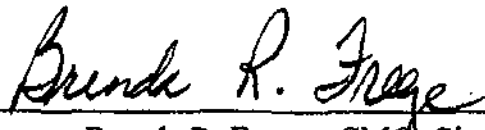
September 24, 2007

Resolution Book 41, Page 13

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (12-13).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of September, 2007.



Brenda R. Freeze, CMC, City Clerk

**A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR THE ACQUISITION OF CERTAIN REAL PROPERTY**

WHEREAS, the City Council of the City of Charlotte finds as a fact that it is necessary to acquire certain property as indicated below for the **METRO DIVISION OFFICE**; and

WHEREAS, the City either in good faith has undertaken to negotiate for the purchase of this property but has been unable to reach an agreement with the owners for the purchase price or, after reasonable diligence, has been unable to negotiate a purchase price;

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Charlotte, that condemnation proceedings are hereby authorized to be instituted against the property indicated below, under the authority and procedures of the laws of the State of North Carolina:

PROPERTY DESCRIPTION:

Amount necessary for the **METRO DIVISION OFFICE** and estimated to be approximately **3,834 s. f. (.088 acre)** of **fee-simple interest** and any additional property or interest as the City may determine to complete the Project, as it relates to Tax Parcel No. 075-071-17, said property currently owned by **KNOWN AND UNKNOWN HEIRS OF THOMAS A. MOORE and wife, MAMIE WHEELER MOORE (a/k/a "Minnie Moore"); KNOWN AND UNKNOWN HEIRS OF THOMAS A. MOORE, JR.; JULIA MAE MOORE and spouse, if any; HOMER MOORE and spouse, if any; WILLIE JAMES MOORE and spouse, if any; WILLIE EDMUND MOORE and spouse, if any; HEIRS AT LAW OF ANY OF THE ABOVE-NAMED DEFENDANTS IF DECEASED; MECKLENBURG COUNTY TAX COLLECTOR; and Any Other Parties in Interest, or the owners' successor-in-interest.**

ESTIMATED JUST COMPENSATION:

Such estimated just compensation as may be determined based upon the takings required by the final construction plans.

IT IS FURTHER RESOLVED that the estimated just compensation for the property is hereby authorized to be deposited in the Office of the Clerk of Superior Court, Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Page 14.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of September, 2007.



Brenda R. Freeze, CMC, City Clerk

RESOLUTION CLOSING A PORTION OF HUBBARD ROAD IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close a portion of Hubbard Road which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close a portion of Hubbard Road to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to Charlotte Mecklenburg Utilities, and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A.

WHEREAS, the public hearing was held on the 24th day of September, 2007 and City Council determined that the closing of a portion of Hubbard Road is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of September 24, 2007, that the Council hereby orders the closing of a portion of Hubbard Road in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A", and is more particularly described by metes and bounds in document marked "Exhibit B", both of which are attached hereto and made a part hereof. This action shall be effective on the date that the developer/petitioner obtains an approved plan from the Charlotte-Mecklenburg Planning Commission and the right-of-way for the realignment portion of Hubbard Road is conveyed/recorded. The new Hubbard Road must be complete and taken over by the City for maintenance. This abandonment approval shall be void if the plan approval and new roadway acceptance by the City is not obtained by March 1, 2008.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2008 APR 24 02:20 PM
BK: 23670 PG: 390-393 FEE: \$18.00
NS: \$25.00
INSTRUMENT # 2008071950



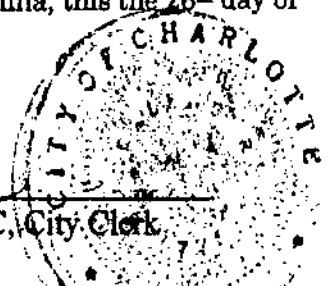
CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (15-17).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of September, 2007.

Drawn By: City of Charlotte
Return to: City of Charlotte-Box 227

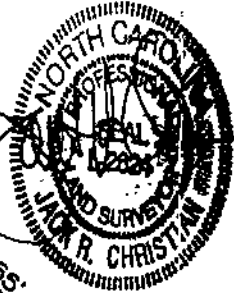
Brenda R. Freeze
Brenda R. Freeze, CMC, City Clerk



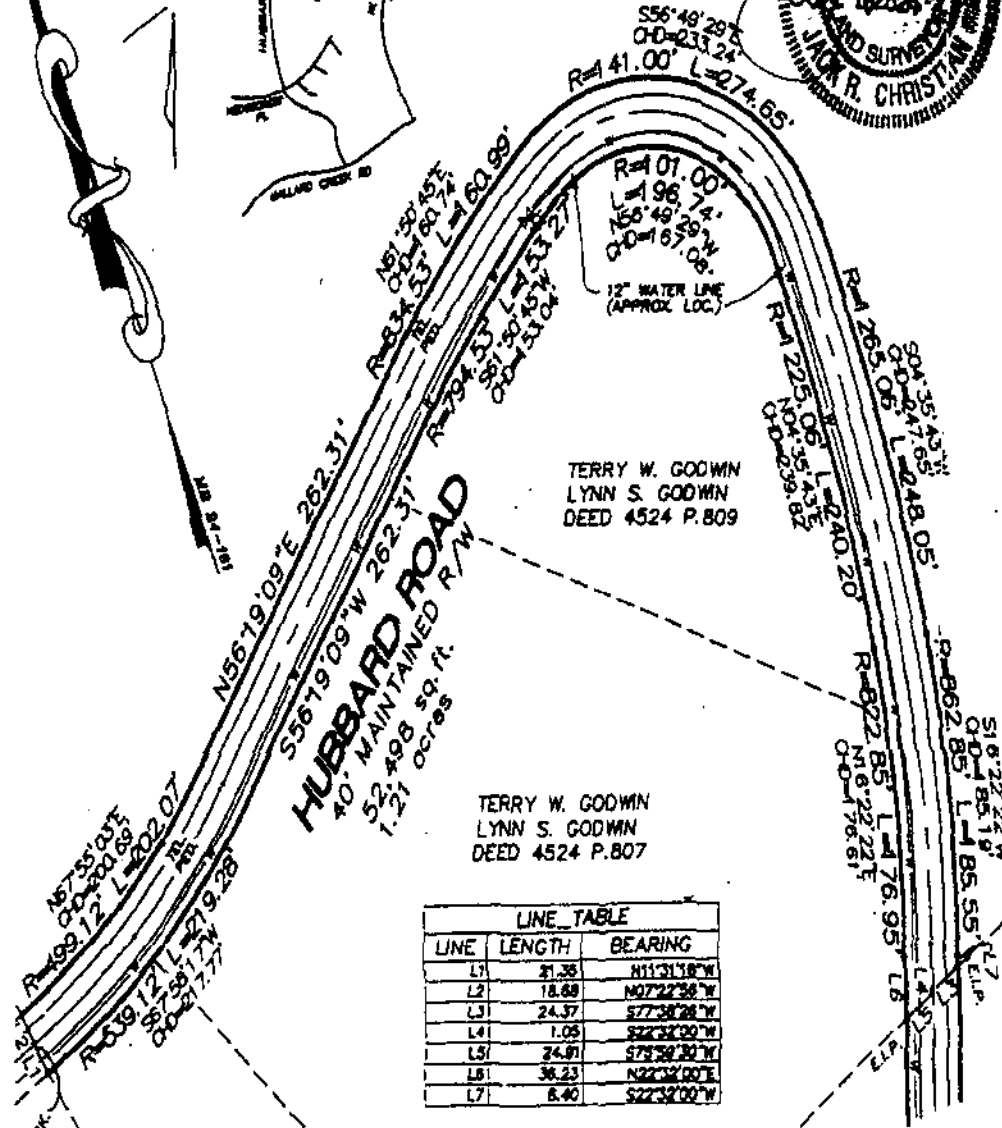
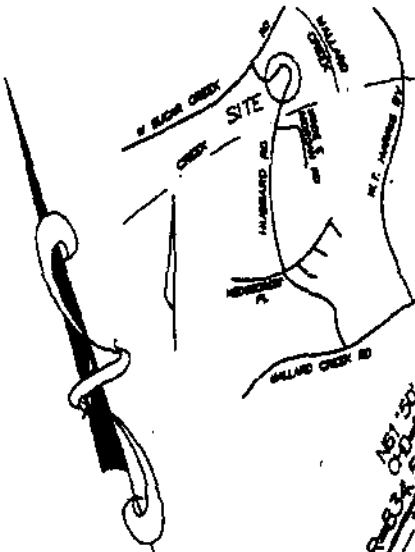
THIS IS TO CERTIFY THAT ON THE 1ST DAY OF FEBRUARY, 2006, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE PROPERTY LINES, AND THE IMPROVEMENTS IF ANY ARE AS SHOWN HEREON.

EXHIBIT 'A'

Jack R. Christian
SIGNED: REGISTERED SURVEYOR
JACK R. CHRISTIAN & ASSOCIATES
7811 OLD CONCORD RD. CHARLOTTE, N.C. 28213
PHONE: (704)596-2214
HFRDCL/W



H. DUNCAN VAIL
JAMES H. VAIL
DEED 16762 P.474



TERRY W. GODWIN
LYNN S. GODWIN
DEED 4524 P.809

TERRY W. GODWIN
LYNN S. GODWIN
DEED 4524 P.807

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.38	N11°31'18"W
L2	18.68	N07°22'58"W
L3	24.37	S77°38'28"W
L4	1.05	S22°32'00"W
L5	24.91	S78°38'30"W
L6	36.23	N22°32'00"E
L7	6.40	S22°32'00"W

EASEMENT NOTE

"EASEMENT IN FAVOR OF CHARLOTTE MECKLENBURG UTILITIES, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF WATER LINES, SEWER LINES, CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT."

SYMBOL LEGEND

- N.I.P. NEW IRON PIN
- E.I.P. EXISTING IRON PIN

NOTE:
OTHER R/W'S OR EASEMENTS
MAY EXIST WHICH MAY NOT
BE SHOWN.

GRAPHIC SCALE



I, Linda B. Poissant, Review Officer
Of Mecklenburg County, certify that the
map or plat to which this certificate is
affixed meets all statutory requirements
for recording
Linda B. Poissant
Review Officer
Date 4/16/08

UNITED HOUSE OF PRAYER
FOR ALL PEOPLE OF PRAYER
DEED 4003 P.061

TERRY W. GODWIN
LYNN S. GODWIN
DEED 4524 P.807

CHARLES W. DUBOSE
JANET M. DUBOSE
DEED 9209 P.742

R/W ABANDONMENT SURVEY

PORTION OF HUBBARD ROAD

SCALE 1"=100'

CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

THE PROPERTY OF: DIAMOND OAK DEVELOPMENT
MAP RECORDED IN BOOK _____ AT PAGE _____ DEED RECORDED IN BOOK _____ PAGE _____

Drawn By: City of Charlotte
Return to: City of Charlotte-Box

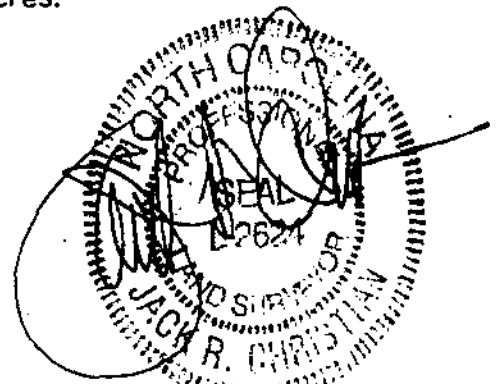
EXHIBIT "B"

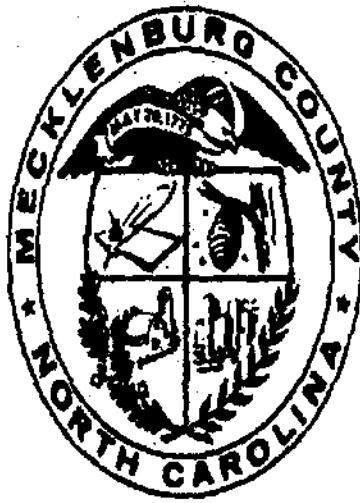
LEGAL DESCRIPTION

BEING A PORTION OF HUBBARD ROAD HAVING A 40 FOOT MAINTAINED RIGHT OF WAY IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE NEAR THE CENTER OF LINE OF HUBBARD ROAD (40 FOOT RIGHT OF WAY) THE NORTHEASTERN CORNER OF PROPERTY OWNED BY UNITED HOUSE OF PRAYER FOR ALL PEOPLE, DEED RECORDED IN BOOK 4003 AT PAGE 061, MECKLENBURG COUNTY PUBLIC REGISTRY; THENCE ACROSS HUBBARD ROAD N.07°22'56"W. 18.68 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 499.12 FEET AN ARC DISTANCE OF 202.07 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF N.67°55'03"E. A CHORD DISTANCE OF 200.69 FEET); THENCE N.56°19'09"E. 262.31 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 834.53 FEET AN ARC DISTANCE OF 160.99 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF N.61°50'45"E. A CHORD DISTANCE OF 160.74 FEET); THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 141.00 FEET AN ARC DISTANCE OF 274.65 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF S.56°49'29"E. A CHORD DISTANCE OF 233.24 FEET); THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 1265.06 FEET AN ARC DISTANCE OF 248.05 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF S.04°35'43"E. A CHORD DISTANCE OF 247.65 FEET); THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 862.85 FEET AN ARC DISTANCE OF 185.55 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF S.16°22'22"W. A CHORD DISTANCE OF 185.19 FEET); THENCE S. 22°32'00" W 6.40 FEET TO A POINT; THENCE S. 77°38'26"W. 24.37 FEET TO A POINT; THENCE S. 22°32'00"W. 1.05 FEET TO A POINT; THENCE S. 75°59'30"W. 24.91 FEET TO A POINT; THENCE N.22°32'00"E. 36.23 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 822.85 FEET AN ARC DISTANCE OF 176.95 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF N.16°22'22"E. A CHORD DISTANCE OF 176.61 FEET); THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1225.06 FEET AN ARC DISTANCE OF 240.20 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF N.04°35'43"E. A CHORD DISTANCE OF 239.82 FEET); THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 101.00 FEET AN ARC DISTANCE OF 196.74 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF N.56°49'29"W. A CHORD DISTANCE OF 167.08 FEET); THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 794.53 FEET AN ARC DISTANCE OF 153.27 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF S.61°50'45"W. A CHORD DISTANCE OF 153.04 FEET); THENCE S. 56°19'09"W. 262.31 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 539.12 FEET AN ARC DISTANCE OF 218.89 FEET TO A POINT (SUBTENDED BY A CHORD HAVING A BEARING OF S.67°58'17"W. A CHORD DISTANCE OF 217.77 FEET); THENCE N.11°31'18" W 21.35 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 52,498. SQUARE FEET OR 1.21 acres.

Drawn By: City of Charlotte
Return to: City of Charlotte-Box





JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of the recorded document, and must be submitted with original for re-recording
and/or cancellation.

.....

Filed For Registration: 04/24/2008 02:20 PM
Book: RE 23670 Page: 390-393
Document No.: 2008071950
RESOL 4 PGS \$18.00
NS: \$25.00
Recorder: KAMIL COOPER

A NS (non standard) fee is in accordance with NC G.S. 161-10 (a) (18b)



2008071950

RESOLUTION CLOSING PORTIONS OF IRIS DRIVE AND IVEY DRIVE IN THE CITY OF CHARLOTTE,
MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, pursuant to the provisions of Chapter 160A-299 of the General Statutes of North Carolina, the City Council has caused to be published a Resolution of Intent to close portions of Iris Drive and Ivey Drive which calls for a public hearing on the question and:

WHEREAS, the petitioner has caused a copy of the Resolution of Intent to close portions of Iris Drive and Ivey Drive to be sent by registered or certified mail to all owners of property adjoining the said street and prominently posted a notice of the closing and public hearing in at least 2 places along said street or alley, all as required by G.S. 160A-299; and

WHEREAS, the petitioner will provide an access easement to City of Charlotte, Charlotte Mecklenburg Utilities, Duke Energy and all other owners of existing underground utilities and telecommunications to maintain their facilities as shown on the attached map marked Exhibit A-1 and A-2 .

WHEREAS, the public hearing was held on the 24th day of September, 2007 and City Council determined that the closing of the portions of Iris Drive and Ivey Drive are not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina at its regularly assembled meeting of September 24, 2007, that the Council hereby orders the closing of the portions of Iris Drive and Ivey Drive in the City of Charlotte Mecklenburg County, North Carolina as shown in the map marked "Exhibit A-1 and A-2", and is more particularly described by metes and bounds in document marked "Exhibit B-1 and B-2", both of which are attached hereto and made a part hereof. This action shall be effective on the date that the developer/petitioner obtains an approved plan from the Charlotte-Mecklenburg Planning Commission and the right-of-way for the realigned portions of Iris Drive and Ivey Drive are conveyed/recorded. The realigned portions of Iris Drive and Ivey Drive must be completed and taken over by the City for maintenance. This abandonment approval shall be void if the plan approval and the realigned portions of Iris Drive and Ivey Drive are not accepted by the City within 1 year.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of September, 2007, the reference having been made in Minute Book 125, and recorded in full in Resolution Book 41, Pages (18-22).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 26th day of September, 2007.



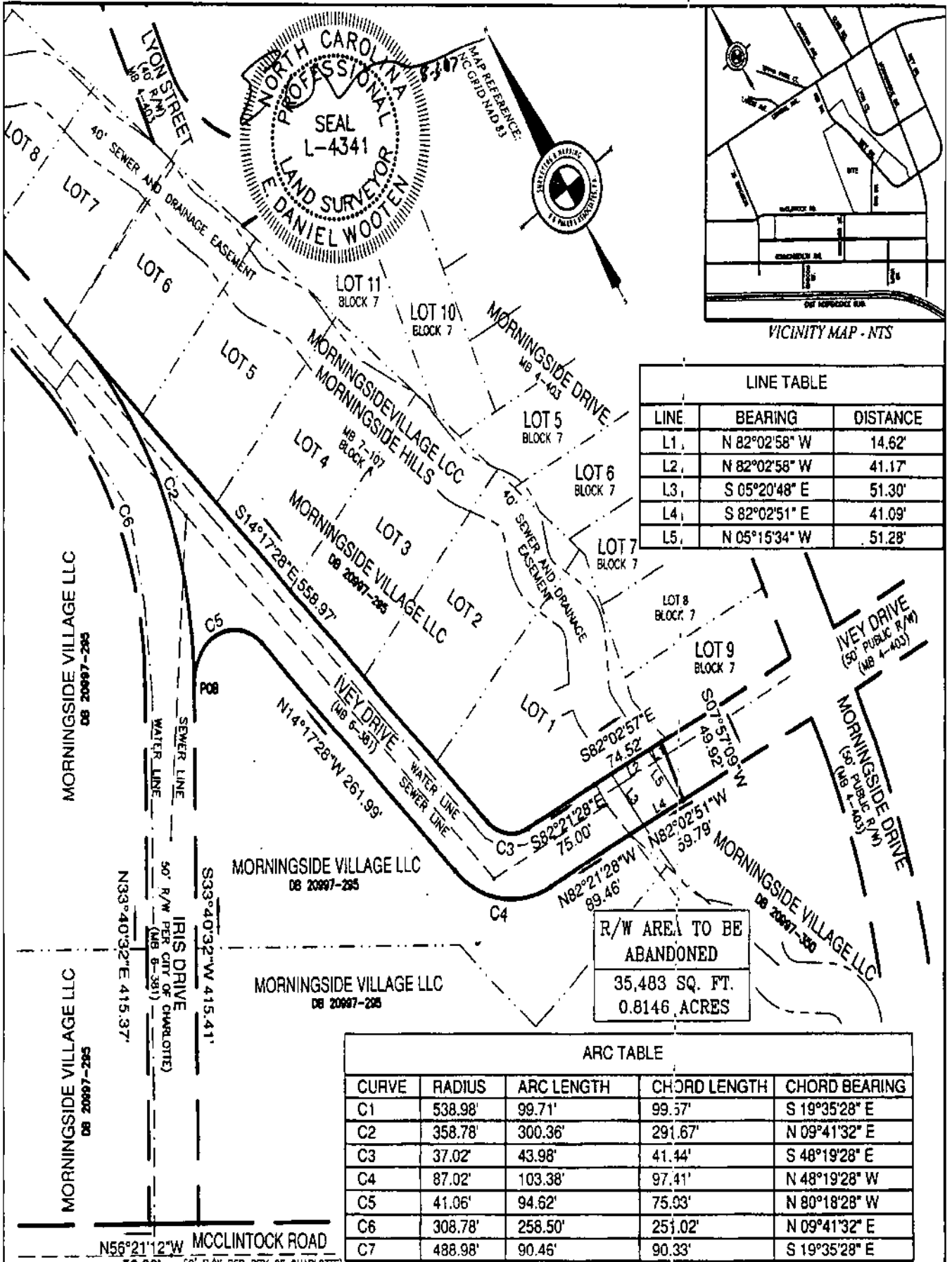
Brenda R. Freeze, CMC, City Clerk

EXHIBIT B-1

Portion of Iris Drive to be Abandoned

That certain tract or parcel of land situated, lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a point located at the intersection of the easterly margin of Iris Drive (50' public right-of-way) and the northerly margin of McClintock Road (50' public right-of-way) and runs thence with the northerly margin of McClintock Road North 56-21-12 West 50.00 feet to a point at the intersection of the westerly margin of Iris Drive and northerly margin of McClintock Drive; thence with the westerly margin of Iris Drive the following seven (7) courses and distances: 1) North 33-40-32 East 415.41 feet to a point, 2) with the arc of a circular curve to the left having a radius of 308.78 feet and an arc length of 258.50 feet (chord: North 09-41-32 East 251.02 feet) to a point, 3) North 14-17-28 West 238.96 feet to a point, 4) with the arc of a circular curve to the left having a radius of 488.98 feet and an arc length of 90.46 feet (chord: North 19-35-28 West 90.33 feet) to a point, 5) North 24-53-28 West 122.68 feet to a point, 6) North 24-36-55 West 27.06 feet to a point, 7) North 30-25-15 West 8.87 feet to a point; thence North 75-11-33 East 51.66 feet to a point on the easterly margin of Iris Drive; thence with the easterly margin of Iris Drive the following six (6) courses and distances: 1) South 24-45-37 East 58.49 feet to a point, 2) South 24-53-28 East 91.05 feet to a point, 3) with the arc of a circular curve to the right having a radius of 538.98 feet and an arc length of 99.71 feet (chord: South 19-35-28 East 99.57 feet) to a point, 4) South 14-17-28 East 238.96 feet to a point, 5) with the arc of a circular curve to the right having a radius of 358.78 feet and an arc length of 300.36 feet (chord: South 09-41-32 West 291.67 feet) to a point, 6) South 33-40-32 West 415.41 feet to *the point of Beginning* containing **59,150** square feet or **1.3579** acres as shown on the survey prepared by R.B. Pharr & Associates, P.A. dated May 21, 2007 (Job Number 70948).



LEGEND:

- D.B. - DEED BOOK
- ECM - EXISTING CONCRETE MONUMENT
- EIP - EXISTING IRON PIPE
- EIR - EXISTING IRON ROD
- EMM - EXISTING METAL MONUMENT
- EN - EXISTING NAIL
- M.B. - MAP BOOK
- N.C.G.S. - NORTH CAROLINA GEODETIC SURVEY
- NIR - NEW IRON ROD
- NN - NEW NAIL
- PG. - PAGE
- R/W - RIGHT-OF-WAY
- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- RIGHT-OF-WAY (NOT SURVEYED)
- EASEMENT
- SETBACK

NOTE:

EASEMENT IN FAVOR OF CITY OF CHARLOTTE, CHARLOTTE MECKLENBURG UTILITIES, DUKE POWER COMPANY, AND ALL OTHER OWNERS OF EXISTING UNDERGROUND TELECOMMUNICATION FACILITIES, UPON, UNDER, AND ACROSS THE ENTIRE PROPERTY DESCRIBED ABOVE FOR ACCESS TO AND FOR THE INSTALLATION, MAINTENANCE, REPLACEMENT, AND REPAIR OF PROPOSED STORM WATER LINES, WATER LINES, SEWER LINES, CONDUIT, CABLE, WIRES, AND RELATED EQUIPMENT.

EXHIBIT A-2

ABANDONMENT OF 50' RIGHT OF WAY

R.B. PHARR AND ASSOCIATES, P.A.

SURVEYING AND MAPPING

241 POST OFFICE DRIVE, UNIT A-2, MOXAN TRAIL, N.C. 28079 TEL (704) 821-4029

CREW:	DRAWN:	REVISED:	SCALE:	DATE:	JOB NO.
	AB		1" = 120'	MAY 21, 2007	71559

EXHIBIT B-2

Portion of Ivey Drive to be Abandoned

That certain tract or parcel of land situated, lying and being in the City of Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

Beginning at a point located at the intersection of the easterly margin of Iris Drive (50' public right-of-way) and the southerly margin of Ivey Drive (50' public right-of-way) and runs thence with the easterly margin of Iris Drive with the arc of a circular curve to the left having a radius of 358.78 feet and an arc length of 300.36 feet (chord: North 09-41-32 East 291.67 feet) to a point on the northerly margin of Ivey Drive; thence with the northerly margin of Ivey Drive the following four (4) courses and distances: 1) South 14-17-28 East 558.97 feet to a point, 2) with the arc of a circular curve to the left having a radius of 37.02 feet and an arc length of 43.98 feet (chord: South 48-19-28 East 41.44 feet) to a point, 3) South 82-21-28 East 75.00 feet to a point, 4) South 82-02-57 East 74.52 feet to a point; thence South 07-57-09 West 49.92 feet to a point on the southerly margin of Ivey Drive; thence with the southerly margin of Ivey Drive the following five (5) courses and distances: 1) North 82-02-51 West 59.79 feet to a point, 2) North 82-21-28 West 89.46 feet to a point, 3) with the arc of a circular curve to the right having a radius of 87.02 feet and an arc length of 103.38 feet (chord: North 48-19-28 West 97.41 feet) to a point, 4) North 14-17-28 West 261.99 feet to a point, 5) with the arc of a circular curve to the left having a radius of 41.06 feet and an arc length of 94.62 feet (chord: North 80-18-28 West 75.03 feet) to the point of *Beginning* containing **35,483** square feet or **0.8146** acre of land as shown on the survey prepared by R.B. Pharr & Associates, P.A. dated May 21, 2007 (Job Number 70948).